



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,341	10/10/2001	Gregory Roy Paton-Ash	STRATA-6	9796
7590	08/29/2005		EXAMINER	
Ansel M. Schwart Suite 304 201 N. Craig Street Pittsburgh, PA 15213			ART UNIT	PAPER NUMBER

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on May 20, 2005. The submission, however, is not fully responsive to the prior Office action because of the reason set forth below. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

The amendment filed on May 20, 2005 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 706.07(h)). The remaining claims are not readable on the elected invention because newly submitted claims 26-37 are directed to an invention that is independent or distinct from the invention elected without traverse in Applicant's response of August 24, 2004 for the following reasons; newly submitted claims 26-37 are directed to the species of support crib shown by Fig 7, (Figs. 8-10 directed to the specific elements used with the embodiment of Fig. 7), while applicant had elected claims directed to the species of Fig. 1 in Applicant's response of August 24, 2004.

Applicant had not elected to prosecute any of the embodiments shown by Figs. 3/4, 5/6, and 7. Indeed, Applicant had stated that claim 23 reads upon the elected embodiment of Fig. 1, (see Applicant's response of August 24, 2004). Applicant had not

indicated any of claims 24 and 25 as reading upon the elected embodiment of Fig.1. Each of claims 24 and 25 call for "placing a stop adjacent each end of the primary piece and in spaced relationship with the respective block" which is offered only within the embodiments of Figs. 3/4, 5/6, and 7. Therefore, claims 24 and 25 had been withdrawn from consideration. Newly submitted claims call for a "spacer" a "bar pin" or a "staple" which reads only upon the non-elected embodiment of Fig. 7.

Applicants cannot file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined as a matter of right (i.e., applicant cannot switch inventions). See 37 CFR 1.145. Any newly submitted claims that are directed to an invention that is independent and distinct from the invention previously claimed will be withdrawn from consideration and not entered. See MPEP 706.07(h).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (571) 272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

M. Safavi
August 19, 2005



MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354